

UNITED STATES DISTRICT COURT

FOR THE

DISTRICT OF NEW HAMPSHIRE

ELAINE CHAO, SECRETARY OF LABOR,
United States Department of Labor,

Plaintiff,

v.

TREND DESIGN, LLC and MUHAMED BEJTOVIK
And AMIR BEHARIC, INDIVIDUALLY,

Defendant.

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CIVIL ACTION

FILE NO.

COMPLAINT

Plaintiff, Secretary, United States Department of Labor, hereinafter "the Secretary" brings this action to enjoin Defendants from violating the provisions of Section 15 (a)(2) of the Fair Labor Standards Act of 1938 as amended, (52 Stat. 1060, 29 U.S.C. 201), hereinafter called "the Act" and to recover unpaid wages and liquidated damages pursuant to the provisions of sections 15(a) (2) and 16(c) of the Act.

I.

Jurisdiction of this action is conferred upon this Court by Section 17 of the Act and by 28 U.S.C. Sec. 1345.

II.

Defendant Trend Design, LLC, is, and at all times hereinafter mentioned, was a corporation having an office and place of business at 8 Hollis Drive, Unit #4, in Hollis, New

Hampshire within the jurisdiction of this Court, and elsewhere, in the installation of exterior applications and windows on commercial and residential buildings and homes.

III

Defendant Mohamed Bejtovik resides within the jurisdiction of this Court and is now, and at all times hereinafter mentioned was an owner and president of the business referenced above and actively manages, supervises and directs the business affairs and operations of said corporation. This defendant has acted at all times material herein directly and indirectly in the interest of said corporation in relation to its employees and was and is therefore, an employer of said employees within the meaning of the Act.

IV.

Defendant Amir Beharic resides within the jurisdiction of this Court and is now, and at all times hereinafter mentioned was an owner and operator of the business referenced above and actively manages, supervises and directs the business affairs and operations of said corporation. This defendant has acted at all times material herein directly and indirectly in the interest of said corporation in relation to its employees and was and is therefore, an employer of said employees within the meaning of the Act.

V.

Defendants are, and at all times hereinafter mentioned were, engaged in related activities performed through unified operation or common control for a common business purpose, and they are, and at all times hereinafter mentioned were, an enterprise within the meaning of Section 3 (r) of the Act.

VI.

At all times hereinafter mentioned, Defendant employed employees in the activities of

said enterprise engaged in commerce or in the production of goods for commerce, including employees handling, selling or otherwise working on goods or materials that have been moved in or produced for commerce. Said enterprise, at all times hereinafter mentioned, has had an annual gross volume of sales made or business done in an amount not less than \$500,000.00. Therefore, the said employees have been employed in an enterprise engaged in commerce or in the production of goods for commerce within the meaning of Section 3(s).

VII.

Defendants have violated and are violating the provisions of Sections 7 and 15(a)(2) of the Act by employing employees for workweeks longer than forty (40) hours per week, without compensating them for their employment in excess of forty (40) hours in said workweeks, at rates not less than one and one-half times the regular rate at which they were employed.

VIII.

Defendants have violated and are violating the provisions of sections 11(c) and 15(a)(5) of the Act in that they failed to make, keep and preserve adequate and accurate records of employees' wages, hours, and other conditions and practices of employment as prescribed by regulations duly issued pursuant to authority granted in the Act and found in 29 C.F.R. 516, in that records fail to show adequately and accurately, among other things, the hours worked each workday and the total hours worked each workweek with respect to many employees and the regular rates at which they were employed.

IX.

During the period since (week ending date) May 29, 2004, Defendants have repeatedly violated and are violating the aforesaid provisions of the Act as alleged and a Judgment enjoining

such violations is expressly authorized by Section 17 of the Act.

WHEREFORE, cause having been shown, Plaintiff prays judgment permanently enjoining and restraining Defendants, their agents, servants, employee and those persons in active concert or participation with them or acting in their interest and behalf, from violating the provisions of Sections 15(a)(2) and 15(a)(5) of the Act and costs.

X.

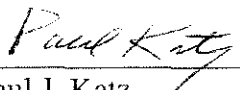
During the period since (week ending date) May 29, 2004, Defendants have violated and are violating the aforesaid provisions of the Act. An award of actual and liquidated damages is specifically authorized by Section 16(c) of the Act.

WHEREFORE, cause having been shown, Plaintiff demands judgment ordering payment of unpaid wages found by the Court to be due the employees listed in the attached Exhibit A, plus an equal amount as liquidated damages and costs.

Howard Radzely
Solicitor of Labor

Frank V. McDermott, Jr.
Regional Solicitor

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EXHIBIT A

Ahmetovic, Nazif	Eminovic, Almir
Aravjo, Gedion	Espinola, Elpidio
Arnautovic, Suvada	Fauro De Assis, Adecio
Barrios Mora, Agustin	Franca, Marcio
Batista, Leandro Dasilva	Garcia, Luis
Batista, Roney	Godyna, Alexey
Capozzo, Jason	Gomes, Luiz
Carvalho, Romero	Gomes, Pedro
Cerritos, Santos	Kustura, Adis
Cooper, Terence	Lima, Josue
Da Silva, Abner	Loiacono, Anthony
Da Silva, Giovanni	Lucas, Marcos
Dasilva, Alexandre	Luis, Jose
Demirovic, Mujo	Lukyanov, Aleksey
Dionisio, Claudiney	Mahmic, Eniz
Dos Santos, Ederson	Maiha, Diones

Malikic, Edin	Silva, Jefferson
Memic, Serif	Silva, Oliveiros
Moreira, Evandro	Silva, Ricardo
Mujac, Halil	Sivro, Semir
Nixdorf, Gustavo	Tosta, Alexis
Pellegrino, Christopher	Vrdoljak, Alen
Pereira, Nilson	Weber, John
Ribeiro, Rorivaldo	Weller, Frederico
Rocha, Ivan	Weyant, Paul Scott
Romanovic, Mario	Zukanovic, Alen
Romanovic, Zoran	
Sanchez, Oskar	
Sandzic, Enver	
Santos, Claudio	
Santos, Gilson	
Silva, Glauber	